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RE:	Serial No. 10/026,037		

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By fax to: Examiner Rebecca Cook (fax no. 571-273-0571)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Robert D'Amato	Confirmation No.:	9168
Serial No.:	10/026,037	Art Unit:	1614
Filed:	December 19, 2001	Examiner:	Rebecca Cook
For:	Methods and Compositions for the Inhibition of Angiogenesis with EM- 138	Attorney Docket No.:	501872-999129 (Formerly 9516- 130-999)

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your Petitioner, **Anthony M. Insogna**, represents that he holds the position of **partner** at the **law firm of JONES DAY**, the attorneys of record for the present application.

The Petitioner states that **The Children's Medical Center Corporation** is the assignee of the entire **100%** right, title and interest in and to the above-identified application (which is a continuation of Application No. 09/545,139, filed April 27, 2000) by virtue of assignments which were recorded on **November 4, 1993** at reel 6756 frame 0429; **February 10, 1994** at reel 6890 frame 0389; **May 12, 1995** at reel 7502 frame 0289; and **November 25, 1997** at reel 8820 frame 0455.

Petitioner hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of U.S. Patent Nos. 6,469,045 and 6,420,414 which issued on October 22, 2002 and July 16, 2002, respectively, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent Nos. 6,469,045 and 6,420,414.

Petitioner further agrees that this agreement is to run with any patent granted on the above-identified application and is to be binding upon the grantee, its successors, and assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent Nos. 6,469,045 and 6,420,414 in the event that said patents later expire for failure to pay a maintenance fee, are held unenforceable, are found invalid, are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), have all claims canceled by a reexamination certificate, or are otherwise terminated prior to the expiration of their full statutory term, except for the separation of legal title stated above.

Petitioner hereby confirms that he has reviewed the assignment and, to the best of his

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knowledge and belief, title is in the assignee seeking to take action in this matter and that he is empowered to act on behalf of **The Children's Medical Center Corporation**.

Petitioner hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 25 day of May, 2005.

By: Yeahsil Moon Reg. No. 52,042

Name: Anthony M. Insogna

Registration No. 35,203

JONES DAY

12750 High Bluff Drive - Suite 300

San Diego, CA 92130

Tel. (858) 314-1200

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Sir:

The fee for processing the attached Terminal Disclaimer is believed to be \$130.00. Please charge the required fee to JONES DAY Deposit Account No. 50-3013. A copy of this sheet is attached for accounting purposes.

Respectfully submitted,

Date: May 25, 2005

by Yealish Moon Reg. No. 52, 042, 35,203

Anthony M. Insogna (Reg. No.)
JONES DAY
12750 High Bluff Drive - Suite 300
San Diego, CA 92130
Tel. (858) 314-1200

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